

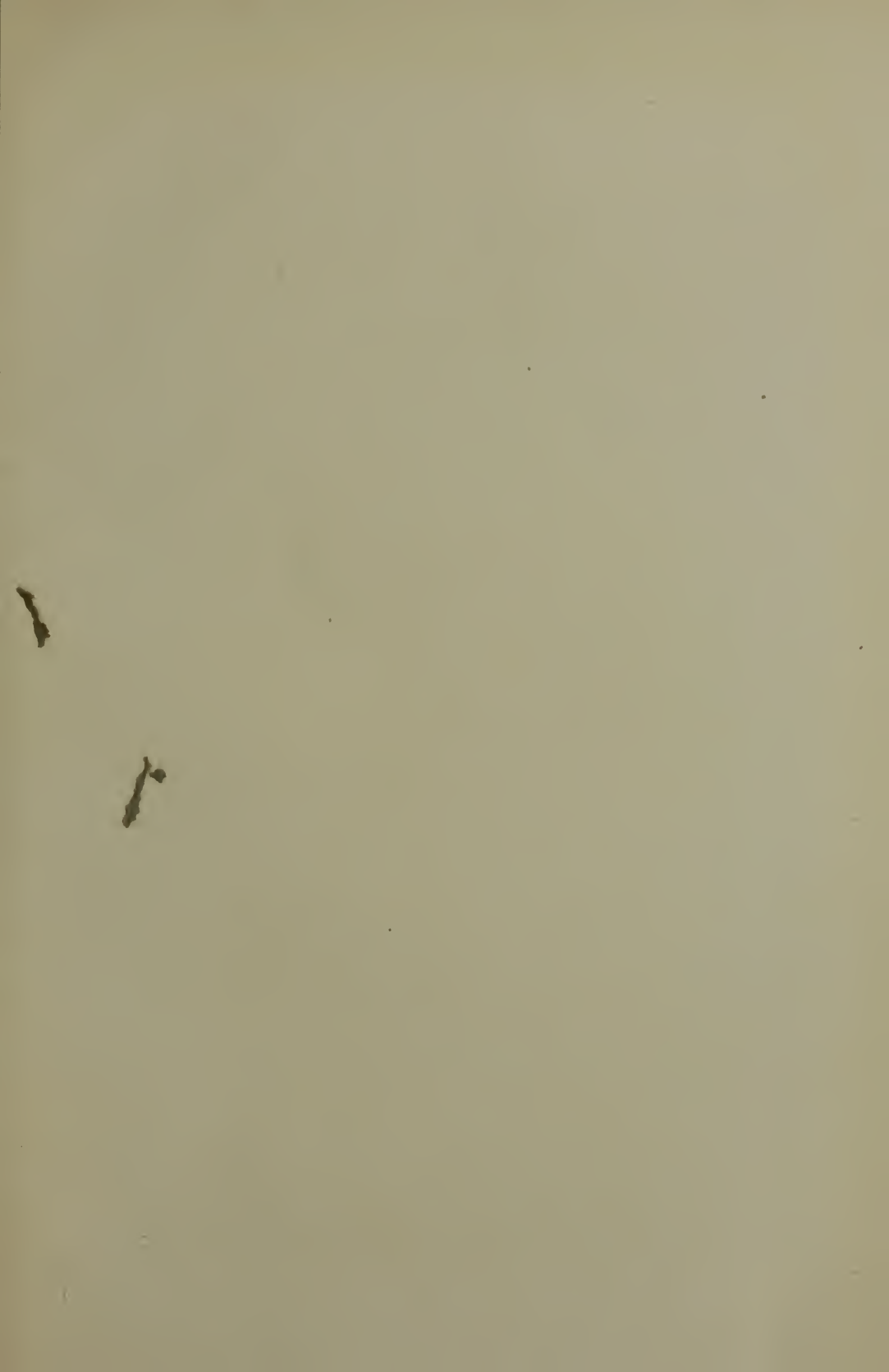
Alfred Chamberlain

FOURTEENTH ANNUAL REPORT
OF THE
TRUSTEES
OF
PUBLIC RESERVATIONS
1904.



PRINTED FOR THE TRUSTEES BY
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE, BOSTON.
1905.

Societies and individuals interested in Massachusetts history, natural history, scenery, and town and country improvement, are invited to contribute to the working funds of this Board. The annual reports can be promised only to founders, life associates and contributors. (See By-laws, Article II.) The treasurer is George Wigglesworth, 53 State Street, Boston. The secretary is John Woodbury, 14 Beacon Street, Boston, Mass.





VIRGINIA WOOD—THE TABLET

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OFFICERS AND MEMBERS OF THE CORPORATION. 1904.

*GEORGE F. HOAR, *President*, Worcester.

GEORGE SHELDON, *Vice-President*, Deerfield.

STANDING COMMITTEE.

HENRY P. WALCOTT, *Chairman*, Cambridge.

CHARLES S. SARGENT, Brookline.

NATHANIEL T. KIDDER, Milton.

CHARLES S. RACKEMANN, Milton.

EDWARD W. FORBES, Milton.

GEORGE WIGGLESWORTH, *Treasurer*, 53 State Street, Boston.

JOHN WOODBURY, *Secretary*, 14 Beacon Street, Boston.

CHARLES F. ADAMS, Lincoln.

J. F. A. ADAMS, Pittsfield.

OAKES AMES, North Easton.

OLIVER AMES, Boston.

FRANCIS H. APPLETON, Boston.

WILLIAM BREWSTER, Cambridge.

JAMES W. BROOKS, Petersham.

FRANKLIN CARTER, Williamstown.

GEORGE W. CHASE, North Adams.

CHRISTOPHER CLARKE, Northampton.

CHARLES R. CODMAN, Cotuit.

DELORAINÉ P. COREY, Malden.

CHARLES H. DALTON, Boston.

CHARLES W. ELIOT, Cambridge.

ARTHUR F. ESTABROOK, Boston.

DESMOND FITZGERALD, Brookline.

CHARLES H. W. FOSTER, Brookline.

SIDNEY F. HASKELL, Gloucester.

AUGUSTUS HEMENWAY, Canton.

HENRY M. LOVERING, Taunton.

ARTHUR LYMAN, Waltham.

GEORGE C. MANN, Jamaica Plain.

CHARLES SEDGWICK MINOT, Milton.

ROBERT SEDGWICK MINOT, Manchester.

ROBERT O. MORRIS, Springfield.

DANIEL H. NEWTON, Holyoke.

JAMES H. NEWTON, Holyoke.

FREDERICK LAW OLMSTED, Jr., Brookline.

HENRY L. PARKER, Worcester.

WILLIAM TAGGARD PIPER, Cambridge.

JOHN ROBINSON, Salem.
 NATHANIEL S. SHALER, Tisbury.
 JOSEPH TUCKER, Pittsfield.
 GEORGE H. TUCKER, Pittsfield.

WILLIAM WHITING, Holyoke.
 MOSES WILLIAMS, Brookline.
 FRANK H. WRIGHT, Great Barrington.
 WALTER C. WRIGHT,* Medford.

FOUNDERS.

Miss HELEN C. BUTLER, New York.
 Miss ELLEN CHASE, Brookline.
 *Mrs. MARY F. CUNNINGHAM, Milton.
 *JOSEPH STORY FAY, Falmouth.
 *JOHN M. FORBES, Milton.
 *Mrs. JOHN M. FORBES, Milton.
 Mrs. EDITH E. FORBES, Milton.
 EDWARD W. FORBES, Milton.
 Miss EDITH FORBES, Milton.
 *J. MALCOLM FORBES, Milton.
 *JOSEPH S. GLOVER, Boston.

AUGUSTUS HEMENWAY, Canton.
 *WILLIAM MINOT, Boston.
 CHARLES SEDGWICK MINOT, Milton.
 ROBERT SEDGWICK MINOT, Manchester.
 LAURENCE MINOT, Boston.
 *GEORGE R. R. RIVERS, Milton.
 Miss MARY RIVERS, Milton.
 *Mrs. FANNY FOSTER TUDOR, Boston.
 GEORGE WIGGLESWORTH, Milton.

LIFE ASSOCIATES.

DWIGHT ANDREWS, Sheffield.
 HARRISON O. APTHORP, Milton.
 Mrs. HARRISON O. APTHORP, Milton.
 Mrs. ANNA E. BARNARD, Sheffield.
 HENRY BROOKS, Lincoln.
 PETER C. BROOKS, Boston.
 SHEPHERD BROOKS, Boston.
 J. HENRY BROOKS, Milton.
 JOSEPH BREWER, Milton.
 EDWARD M. BREWER, Milton.
 Miss BREWER, Milton.
 JOHN C. COBB, Milton.
 Mrs. LOUIS CABOT, Brookline.
 Miss C. H. CABOT, Brookline.
 Mrs. EDWARD M. CARY, Milton.
 Miss HESTER CUNNINGHAM, Milton.
 Miss MARY E. DEWEY, Boston.

ARTHUR F. ESTABROOK, Boston.
 W. E. C. EUSTIS, Milton.
 Mrs. ROSE D. FORBES, Milton.
 J. MURRAY FORBES, Milton.
 W. CAMERON FORBES, Westwood.
 Miss C. F. FORBES, Milton.
 RALPH E. FORBES, Milton.
 SAMUEL GANNETT, Milton.
 H. C. GALLAGHER, Milton.
 Mrs. GRIFFITH, Milton.
 A. L. HOLLINGSWORTH, Milton.
 Miss M. C. JACKSON, Boston.
 Miss HELEN L. JAKES, Milton.
 Mrs. FRANCES JAKES, Milton.
 Miss AMELIA H. JONES, New Bedford.
 Mrs. MARY L. JONES, New Bedford.

NATHANIEL T. KIDDER, Milton.
 WILLIAM C. LORING, Boston.
 WILLIAM J. LADD, Boston.
 Mrs. HENRY LEE, Brookline.
 H. A. LAMB, Milton.
 FRANCIS T. OWEN, Great Barrington.
 Mrs. JOHN C. PHILLIPS, Boston.
 Mrs. OLIVER W. PEABODY, Milton.
 WALLACE L. PIERCE, Milton.

JAMES SAVAGE RUSSELL, Milton.
 Miss LAURA D. RUSSELL, Plymouth.
 Miss MARION RUSSELL, Boston.
 Mrs. HENRY S. RUSSELL, Milton.
 CHARLES S. SARGENT, Brookline.
 JOHN E. THAYER, South Lancaster.
 WILLIAM WHITING, Holyoke.
 ELLERTON P. WHITNEY, Milton.

OFFICERS, 1891-1904.

President.

GEORGE F. HOAR, 1891-1904.

Vice-President.

WILLIAM S. SHURTLEFF, 1891-1895.

GEORGE SHELDON, 1896-1904.

Chairman of the Standing Committee.

PHILIP A. CHASE, 1891-1893.

CHARLES ELIOT, 1894-1897.

PHILIP A. CHASE, 1897-1903.

HENRY P. WALCOTT, 1903-1904.

Treasurer.

GEORGE WIGGLESWORTH, 1891-1904.

Secretary.

CHARLES ELIOT, 1891-1893.

HENRY R. SHAW, 1894.

JOHN WOODBURY, 1894-1904.

LANDS HELD BY THE TRUSTEES, DEC. 31, 1904.

	ACRES.
Virginia Wood,	20
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Rocky Narrows,	21
Mount Anne Park,	50
Governor Hutchinson's Field,	10
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The Pine Knoll,	6

ACT OF INCORPORATION.

[CHAPTER 352, ACTS OF 1891.]

AN ACT TO ESTABLISH THE TRUSTEES OF PUBLIC RESERVATIONS.

SECTION 1. Frederick L. Ames, Philip A. Chase, Christopher Clarke, Charles R. Codman, Elisha S. Converse, George F. Hoar, John J. Russell, Leverett Saltonstall, Charles S. Sargent, Nathaniel S. Shaler, George Sheldon, William S. Shurtleff, George H. Tucker, Francis A. Walker, George Wigglesworth, their associates and successors, are hereby made a corporation by the name of The Trustees of Public Reservations, for the purpose of acquiring, holding, arranging, maintaining, and opening to the public, under suitable regulations, beautiful and historical places and tracts of land within this Commonwealth, with the powers and privileges and subject to the duties set forth in chapter one hundred and fifteen of the Public Statutes and in such other general laws as now are or hereafter may be in force relating to such corporations; but said corporation shall have no capital stock.

SECTION 2. Said corporation may acquire and hold by grant, gift, devise, purchase, or otherwise, real estate, such as it may deem worthy of preservation for the enjoyment of the public, but not exceeding one million dollars in value, and such other property, both real and personal, as may be necessary or proper to support or promote the objects of the corporation, but not exceeding in the aggregate the further sum of one million dollars.

SECTION 3. All personal property held by said corporation, and all lands which it may cause to be opened and kept open to the public, and all lands which it may acquire and hold with this object in view, shall be exempt from taxation in the same manner and to the same extent as the property of literary, benevolent, charitable, and scientific institutions incorporated within this Commonwealth is now exempt by law; but no lands so acquired and held and not open to the public shall be so exempt from taxation for a longer period than two years. Said corporation shall never make any division or dividend of or from its property or income among its members.

SECTION 4. This act shall take effect upon its passage.

BY-LAWS OF THE TRUSTEES OF PUBLIC RESERVATIONS.

ARTICLE I.

OF MEMBERS.

The members of the corporation shall be residents of Massachusetts, and their number shall not exceed fifty.

The Standing Committee may, if it sees fit, nominate persons to membership by inserting the names of candidates upon the notice of warning of any meeting. The election shall take place at any meeting subsequent to such notice, and shall be by ballot upon the names proposed by the Standing Committee; and any person who receives the votes of two-thirds of the members present and voting shall, on his acceptance in writing of his election, be declared and enrolled a member of the corporation. Membership may be terminated by resignation, and shall be terminated by failure for three successive years to attend the annual meeting; but in the latter case the Standing Committee may by vote suspend the operation of this rule when it sees best.

ARTICLE II.

OF FOUNDERS, LIFE ASSOCIATES AND CONTRIBUTORS.

All persons from whom the corporation shall receive real or personal property to the value of one thousand dollars or more shall be permanently enrolled as Founders.

All persons not entitled to be enrolled as Founders, from whom the corporation shall receive real or personal property to the value of one hundred dollars or more, shall be enrolled during life as Life Associates.

All persons, societies or corporations not entitled to be enrolled as Founders or Life Associates, from whom the corporation shall receive one or more dollars, shall be enrolled as contributors for the year in which payment of such sum is made.

ARTICLE III.

OF MEETINGS.

1. The annual meeting of the corporation shall be held on the last Wednesday in January, in Boston or at such other city or town in the Commonwealth, and at such time and place, as the Standing Committee may determine. A quorum for the transaction of business shall consist of not less than seven members, but a majority of the members present and voting may adjourn any meeting from time to time until the business shall have been finished.

In the event of the annual meeting, by mistake or otherwise, not being called and held as herein prescribed, the Standing Committee shall order a special meeting to be called and held in lieu of and for the purposes of the annual meeting.

Special meetings of the corporation may be called by the Standing Committee to meet at any time and place. A quorum at a special meeting shall consist of not less than seven members.

2. At all meetings the President shall take the chair as soon as a quorum is present; and the record of the preceding meeting shall then be read, unless such reading is dispensed with by the unanimous consent of those present. After which at all special meetings the business for which the meeting was called shall be transacted, and at the annual meeting the order of business shall be as follows: —

First. — The unfinished business and the assignments of the last meeting shall be announced by the Secretary to the President, and taken up in order.

Second. — The Secretary shall be called on to submit a written report of the doings of the Standing Committee for the year ending with the previous 31st of December.

Third. — The Treasurer shall be called upon to submit a written report of his doings for the year ending with the previous 31st of December, and the financial condition of the corporation at that date.

Fourth. — The Committee to audit the Treasurer's accounts shall be called on for a report.

Fifth. — Any special committee which may have been appointed during the year shall be called on to report.

Sixth. — If the Standing Committee shall have proposed changes in the By-laws, the same shall be voted upon, as provided in Article VII.

Seventh. — If the Standing Committee shall have made any nominations to membership in the corporation, an election shall be held, as provided in Article I.

Eighth. — An election of officers for the ensuing year shall be held, as provided in Article IV., Section 1.

Ninth. — On the announcement of the vote the newly elected President shall take the chair, and shall give the members present an opportunity to present new business.

Tenth. — The newly elected President shall appoint a committee to audit the Treasurer's accounts.

ARTICLE IV.

OF OFFICERS.

1. The officers of the corporation shall be a President, a Vice-President, a Secretary and a Treasurer. The Secretary and Treasurer shall be *ex-officiis* members of the Standing Committee, which shall consist of seven persons in all. The officers and the Standing Committee shall be chosen by ballot at the annual meeting of the corporation, an adjournment thereof, or at a meeting in lieu of such annual meeting, as above provided; and they shall hold their offices for one year, or until others are duly chosen and qualified in their stead. Any vacancy occurring in any of the above offices from death, resignation or inability, shall be filled by the Standing Committee at their next regular meeting or at a special meeting to be called for the purpose before such regular meeting.

2. The President shall preside at all meetings of the corporation. If he is absent, the Vice-President, and, if the Vice-President is also absent, a President *pro tempore*, chosen by hand vote of the members of the corporation present, shall preside, and shall have all the powers and perform all the duties of the President.

3. The Secretary shall warn the members of all meetings of the corporation, according as he may be directed by votes of the Standing Committee. He shall call the meetings of the Standing Committee as he may be directed by the chairman of the committee or on the request in writing of any two members thereof. He shall carry on all the correspondence of the corporation not otherwise provided for, and shall, when the correspondence is of importance, preserve copies of the letters sent and the original letters received, for transmission with his records to his successor in office. He shall keep an exact record of all meetings of the corporation and of the Standing Committee, with the names of the members pres-

ent, entering in full all reports of committees, which may be accepted, by either body, unless otherwise directed.

At the January meeting of the Standing Committee he shall make a written report of the doings of that body for the year ending on the previous 31st of December; and, if the report is approved, he shall present it at the annual meeting of the corporation.

4. The Treasurer shall, when directed, as provided in the next paragraph, make disbursements; and he shall also collect all moneys due to the corporation, and shall keep regular and faithful account of all the moneys and funds of the corporation which shall come into his hands and of all receipts and expenditures connected with the same, which accounts shall always be open to the inspection of members of the corporation. He shall make no investments and pay no moneys without either the approval of a majority of the Standing Committee or else of such officer or committee as said Standing Committee shall appoint to act for it in these matters.

At the January meeting of the Standing Committee he shall make a written report of his doings for the year ending on the previous 31st of December; and, if his report is approved, he shall present it at the annual meeting of the corporation.

ARTICLE V.

OF THE STANDING COMMITTEE.

The Standing Committee shall, at its first meeting after the annual meeting of the corporation in each year, elect a chairman, whose duty it shall be to preside at all meetings of the committee. In his absence a chairman *pro tempore* may be chosen by hand vote.

The Standing Committee shall meet at least once in every month, and a quorum shall consist of not less than three members.

The Standing Committee may nominate or refuse to nominate new members of the corporation, may accept or decline gifts offered to the corporation, may approve or disapprove investments or expenditures proposed by the Treasurer, may approve or disapprove all bills against the corporation, may appoint sub-committees of their number, may appoint and remove agents, may engage whatever assistance is needed to administer the affairs of the corporation, may designate such agents and employees by such titles as they may deem proper, and, in general, may exercise all the executive powers of the corporation.

ARTICLE VI.

OF THE SEAL.

The corporate seal shall be a circular, flat-faced die of about an inch and a half in diameter, with the name of the corporation, the year of its organization, the word "Massachusetts" and the figure of a pine tree so engraved on its face that it can be embossed on paper by pressure.

ARTICLE VII.

OF AMENDMENTS.

At any annual meeting of the corporation, or at a special meeting called for the purpose, these By-laws may be amended, altered or repealed by a two-thirds vote of the members present and voting, provided that notice of such proposed change shall have been given in the call of the meeting.

FOURTEENTH ANNUAL REPORT
OF THE
TRUSTEES OF PUBLIC RESERVATIONS.

The Standing Committee of the Trustees of Public Reservations submits herewith its fourteenth annual report.

This report naturally begins with the record of the loss the Corporation has sustained by the death of George Frisbie Hoar, who held the office of President of the Trustees from the time this Corporation was created in 1891 until his death on Sept. 30, 1904. The many-sided activities of Senator Hoar's life included a marked interest in the natural and historical landmarks of his native State; and when this Board was organized he gladly permitted the use of his name and influence in forwarding the objects of this association, formed for the purpose of acquiring and holding for the public beautiful and historic places and tracts of land in Massachusetts. His public duties necessarily precluded his taking an active part in the proceedings of the Board, but he maintained a constant interest in the progress of the work of the Trustees, and kept himself informed as to the gifts of land which were made to the Trustees from time to time. The preservation of the hilltops had for him a special interest. He, himself, by his own efforts preserved the summit of the high hill near Worcester known as Mount Asnebumskit. He presided and spoke at a meeting of this Board held at Northampton several years ago to forward the movement which finally resulted in the preservation of Mount Tom. When the Trustees received the gift of Monument Mountain in Great Barrington, he personally arranged for the Trustees and friends a memorable excursion to visit the mountain as his guests and with himself as guide. He interested himself individually in the preservation and marking of historical

places. In company with others, he secured the homestead in Rutland of Gen. Rufus Putnam, whose services to this country in the early days of the republic he deemed especially worthy of record, and later made arrangements for the maintenance of the house as a colonial museum. It was through his efforts that a suitable inscription was placed on "Redemption Rock" in Westminster, where his ancestor, John Hoar, arranged with the Indians for the ransom of the wife of the Rev. Joseph Rowlinson of Lancaster.

The Trustees of Public Reservations are grateful for the help he gave to the movement which this organization represents, and will always recall with pleasant memories his associations with this Board.

Your Committee has no new gifts to announce at this time, but has one of some interest under consideration. Several years ago, public-spirited residents in a near-by town secured tracts of woodland for a considerable distance along the borders of a charming country road. For topographical reasons, the value of these lands was not then, and will not be in the future, of greater value than the worth of the standing wood. It seemed wiser to buy and save these trees, that the shaded and pleasant scenery of the road might be preserved, than to permit the trees to be cut down for firewood. A portion of these lands has been very properly transferred to the local park commission, but the remainder of the land lies just within the boundaries of another town, which has no such Board and feels no interest in the preservation of the trees or the beauty of the road. The gentlemen who hold the title to these lands for the original contributors desire to place them in the hands of this Board, with a fund the income of which will be sufficient for proper care. A favorable reply has been made by this Committee, and it will be the duty of the incoming Committee to confer with these gentlemen as to matters of detail.

The local committees having charge of the holdings of this Board report them to be in good condition, and generally appreciated by the public. Several matters of detail are of interest.

Virginia Wood in Stoneham is cared for by the Metropolitan Park Commission as a part of the Middlesex Fells

Reservation. It is situated in the heart of the section of the State which is worst infested with the gypsy moth. It is particularly exposed to invasion of the moth from neighboring lands in private ownership, where the moths develop in great numbers and no effort is made to repress them. Last winter employees of the Park Commission removed as far as possible all egg clusters from the trees and underbrush in the Wood, and no damage was done to this section last year. The present condition of the adjoining lands, however, is even worse than heretofore, and the difficulty of protecting trees of such great height and so exposed to infestation gives rise to considerable anxiety. If private owners are required to clean their own lands of this dangerous pest, the problem will be much less difficult to deal with.

At Goodwill Park in Falmouth a fire belt has now been cut out along the entire boundary line through the wooded portions, except where it runs through a swamp, which is in itself a sufficient protection. At the picnic ground a well has been driven and provided with a serviceable pump, so that good drinking water can be had in abundance. A simple shelter building has been built near by, which will protect picnickers in case of a sudden shower. It consists of a pitched roof on cedar posts, covering a space of fifteen by twenty-five feet. Arrangements have also been made for improving the grade of the entrance road which is most used. Payment for these improvements has been provided for out of the annual appropriation made by the town of Falmouth.

Rocky Narrows on the Charles River is visited mostly by canoeists, and a portion of the reservation is set aside as a camping ground. The most picturesque feature is the hemlock hill, where the ledges form the "Gates of the Charles." The hill is separated from the high wooded bank of the river by a meadow, which is wet and impassable for the greater part of the year. Through the thoughtful generosity of Mr. Arthur F. Estabrook, one of the Trustees, a pathway and bridge have been constructed, connecting the hemlock hill with the wooded bank, which is very beautiful and affords attractive views up and down the river. This improvement renders all parts of the reservation accessible.

Mount Anne Park in Gloucester is maintained by the terms of the gift as a "wild park." The increasing number of visitors will, however, require the wood paths to be somewhat improved and more clearly marked. Mention was made in a previous report of some cutting done at the summit by the United States Coast Survey during the Spanish War. Your Committee called the attention of that department to the damage done at that time, and received a courteous reply to their communication. The cost of removing the débris and repairing so far as practicable the damage done was promptly paid by the government. The need of an observatory on the summit of Mount Anne has been frequently referred to in former reports, and has been considered by the Committee. They still hope that a plan for such a structure may be agreed upon which will not be inconsistent with the surroundings to which it must be adapted. It has also been suggested that, on the completion of a projected road from Manchester to Haskell's Pond, a connection can be made through the park with the West Gloucester road, which will guide the public more directly to the summit of the mountain.

The use of Governor Hutchinson Field in Milton by the public tends to increase, but is not yet very great. Indeed, the essential feature of the Field is the open view it gives across the Neponset meadows, and this is enjoyed by all who pass along the road without necessarily going upon the land. The only care required the past year has been to provide proper protection of the trees against insect pests.

During the summer and fall large numbers have visited Monument Mountain Reservation, and have climbed the mountain to enjoy the wonderful view of the Berkshire Hills which its rocky peaks afford. The road has been kept in good condition, and makes it possible for those who desire to drive within a short distance of the summit. The year has passed without damage from wood fires, which is a danger to which this reservation is especially exposed.

The Pine Knoll at Sheffield is used by the school children of the town, who take a special interest in it, and is also considerably used in summer by visitors. The local custodian sees to it that the grass is kept cut, the grounds cleared

up and the fences kept in repair. There is a need for more seats in the grove, that more may enjoy the restfulness of this charming spot.

The action of the Metropolitan Park Commission in caring for Virginia Wood has made it unnecessary to expend the entire income of the fund which was raised by a general subscription at the time the gift was made to the Trustees. The Trustees are hampered for lack of a general fund, the income of which is not restricted to a particular purpose; and a circular has been sent to the subscribers to the Virginia Wood Fund, requesting permission to use the income of that fund, so far as it is not needed for the Wood, for the general purposes of the Corporation. Answers have been received from a large proportion of the subscribers, giving their consent to such an arrangement; and if the remaining answers are favorable, it will give to the Trustees an additional source of income which is much needed.

At the last annual meeting the suggestion was made that an effort be inaugurated to obtain a general fund for the purposes of the Corporation. A member of the Board, in urging such action, expressed the desire that the fund, if raised, should bear the name of the late Philip A. Chase, and stand as a memorial of the enthusiasm and successful efforts of Mr. Chase in giving to the people of his native city and the Metropolitan District of Boston more abundant open spaces for exercise and recreation. Your Committee has been assured that many stand ready to subscribe to such a fund, which will serve a useful purpose, and at the same time commemorate the services of a former member of this organization, who did much to forward the purposes for which the Trustees of Public Reservations was created.

HENRY P. WALCOTT, *Chairman*,
CHARLES S. SARGENT,
NATHANIEL T. KIDDER,
CHARLES S. RACKEMANN,
EDWARD W. FORBES,
GEORGE WIGGLESWORTH, *Treasurer*,
JOHN WOODBURY, *Secretary*,
Standing Committee.

Governor Hutchinson Field.

Cr.

Dr.

1904. Jan. 1, July 20,	To balance,		1904. June 1,	Paid N. L. Stebbins for photographing tablet,	\$3 00
	To proceeds sale of grass,	\$486 69 48 15	Sept. 27, Sept. 27, Dec. 31,	Paid for spraying trees, Paid for labor on elm trees, By balance,	17 25 1 41 513 18
		<u>\$534 84</u>			<u>\$534 84</u>
1905. Jan. 1,	To balance,	\$513 18			

Monument Mountain Reservation.

Cr.

Dr.

1904. March 1, Aug. 1, Dec. 31,	To coupons Kansas City, Memphis & Birmingham 4s,		1904. Jan. 1, Oct. 21,	By balance, Paid Wm. Burns for care, etc.,	\$172 31 96 00
	To Birmingham 4s, due September 1st,	\$40 00 40 00 188 31			
	To balance,	<u>\$268 31</u>	1905.	To balance,	<u>\$268 31</u> <u>\$188 31</u>

DR.	<i>Mount Anne Park.</i>			CR.
		1904.		
1904.				
Jan. 1,	To balance,	\$108 30	By balance,	\$148 30
Jan. 1,	To coupon American Telephone and Telegraph 4s,	20 00		
Aug. 1,	To coupon American Telephone and Telegraph 4s,	20 00		
		\$148 30		\$148 30
1905.				
Jan. 1,	To balance,	\$148 30		

DR.	<i>Rocky Narrows Reservation.</i>			CR.
		1904.		
1904.				
Jan. 1,	To balance,	\$44 03	By balance,	\$49 03
Sept. 21,	To proceeds sale of grass,	5 00		
		\$49 03		\$49 03
1905.				
Jan. 1,	To balance,	\$49 03		

<i>Glover Fund for General Purposes.</i>				CR.
DR.				
1904.				
Jan. 1,	To balance,		By balance,	\$420 88
Jan. 1,	To coupons Baltimore & Ohio Railroad (South-west Division) 3½s.	\$350 88		
Aug. 1,	To coupons Baltimore & Ohio Railroad (South-west Division) 3½s, July coupons,	35 00		
		35 00		
		<u>\$420 88</u>		<u>\$420 88</u>
1905.				
Jan. 1,	To balance,	\$420 88		
		<u>\$420 88</u>		
<i>Pine Knoll.</i>				
DR.				CR.
1904.				
Jan. 1,	To coupon Chicago, Burlington & Quincy Railroad 3½s.	\$17 50	By balance,	\$126 47
Aug. 1,	To coupon Chicago, Burlington & Quincy Railroad 2½s.	17 50	Paid W. D. French for care, etc.,	29 82
Dec. 31,	To balance,	121 29		
		<u>\$156 29</u>		<u>\$156 29</u>
			By balance,	\$121 29

DR	<i>Trial Balance.</i>		CR.
Cash,	\$439 92	Virginia Wood,	\$30 58
Profit and loss (see general account),	412 45	Governor Hutchinson Field,	513 18
Monument Mountain Reservation,	188 31	Mount Anne Park,	148 30
Pine Knoll,	121 29	Rocky Narrows Reservation,	49 03
		Glover Fund for general purposes,	420 88
	<u>\$1,161 97</u>		<u>\$1,161 97</u>

Securities held by Treasurer.

Virginia Wood : \$2,000 Chicago Terminal Transfer Railroad 4s; \$1,000 Chicago, Burlington & Quincy Railroad 3½s.
 Monument Mountain Reservation : \$2,000 Kansas City, Memphis & Birmingham Railroad 4s.
 Mount Anne Park : \$1,000 American Telephone and Telegraph Company 4s.
 Glover Fund for general purposes : \$2,000 Baltimore & Ohio Railroad (South-west Division) 3½s.
 Pine Knoll : \$1,000 Chicago, Burlington & Quincy Railroad 3½s.

The undersigned have examined the accounts and vouchers of the Treasurer of the Trustees of Public Reservations for the year ending Dec. 31, 1904, and find them correctly cast and properly vouched. The securities called for by the above account were exhibited.

NATHANIEL T. KIDDER,
 D. P. COREY,
 ROBT. S. MINOT,
Auditing Committee.

APPENDIX.

THE PRESENT STATUS OF LEGISLATION IN REGARD TO OFFENSIVE
ADVERTISING IN MASSACHUSETTS.

After several years of public agitation and discussion, the Legislature of Massachusetts in 1903 passed a statute which was intended to regulate public advertising in the neighborhood of parks and parkways. The act reads as follows : —

AN ACT TO PROTECT PUBLIC PARKS AND PARKWAYS FROM DIS-
FIGUREMENT BY ADVERTISEMENTS.

Be it enacted, etc., as follows :

SECTION 1. The metropolitan park commission and the officer or officers having charge of public parks and parkways in any city or town may make such reasonable rules and regulations respecting the display of signs, posters or advertisements in or near to and visible from public parks and parkways entrusted to their care, as they may deem necessary for preserving the objects for which such parks and parkways are established and maintained.

SECTION 2. The commission or officers aforesaid shall give notice of all rules and regulations made by them under authority of this act by posting the same in three or more public places in the city or town in which the public park or parkway is situated, and by publishing the same in some newspaper, if there be one, published in such city or town. Such notice shall be deemed legal notice to all persons.

SECTION 3. Whoever violates any rule or regulation made and published as aforesaid shall be punished by a fine not exceeding twenty dollars for each offence ; and any sign, poster or advertisement erected or maintained in violation of any such rule or regulation shall be deemed a public nuisance.

After the passage of this act several boards of park commissioners adopted rules and regulations in accordance with the terms of the act. The rules and regulations adopted by the Metropolitan Park Commission, having jurisdiction in the Metropolitan Parks District, which includes Boston and the adjacent thirty-eight towns and cities, were prepared under the direction of the law department of the State, and were as follows : —

RULES AND REGULATIONS GOVERNING THE DISPLAY OF SIGNS.

No person, without the written permission of the Metropolitan Park Commission, shall, except as hereinafter provided, erect, maintain or display on the outside of any building, or upon any land, any commercial or business sign, poster or advertisement within such distance of any public park or parkway entrusted to the care of said Commission, or in such place, as shall render the words, figures or devices of such sign, poster or advertisement plainly visible to the naked eye within such park or parkway. Nothing herein contained shall, however, be construed to prevent or prohibit an owner or occupant of land, building, or tenement from displaying and maintaining thereon one sign or advertisement for business or commercial purposes, not exceeding in dimensions fifteen inches by twenty feet, and relating exclusively to the property on which it may be placed, or to the business thereon conducted, or to the person conducting the same.

The first case to come before the Supreme Judicial Court of Massachusetts for a judicial interpretation of the statute was entitled, "*Commonwealth v. The Boston Advertising Company*," in which was involved not only the construction of the rule adopted by the Metropolitan Park Commission but also the constitutionality of the statute itself. The case was presented to the court upon an agreed statement of facts, and both sides were represented by able counsel. The final decision, which was by a majority of the court, is printed below. No minority opinion appears to have been rendered. It would seem from this decision that the statute in question, which was intended to prohibit such advertising on lands in the neighborhood of parks as would detract from their usefulness and attractiveness, failed of its purpose, and that the owners of private land in Massachusetts have a legal right to use their land for advertising purposes in any manner that does not interfere with public health or morals, or endanger the passerby. It would seem also from the wording of the opinion that the statute might have been held effective for the purpose for which it was intended, had it contained a provision for the compensation in damages of persons whose rights as established in this decision might be interfered with. It remains now to be seen whether public opinion which has been aroused on the subject of offensive advertising, especially in the neighborhood of public parks and playgrounds, will secure legislation which shall lead to the acquirement from the owners of these rights in land which so closely affect the value of public open spaces. The opinion of the court reads as follows:—

COMMONWEALTH *v.* THE BOSTON ADVERTISING COMPANY.

BARKER, J. The complaint upon which the defendant was found guilty was for a violation of the rules and regulations made by the Metropolitan Park Commission under St. 1903, c. 158. The act charged was maintaining a business sign on land near enough to the Revere Beach Parkway to render the words of the sign plainly visible to the naked eye of persons in the Parkway.

It appears that the sign was an advertisement of a household utensil. The sign board was forty feet in width and seven and one-half feet high, with black letters on an orange ground. The capital letters were three feet three and one-half inches high and two feet ten inches wide. It is not contended that the sign was indecent or immoral, or of a nature to frighten man or beast, or in any way to cause bodily injury by falling or being blown against persons or vehicles using the way.

The defendant is in the advertising business. It has purchased from the owner of the land the right to maintain the sign until Oct. 1, 1905, and had been paid to keep up the advertisement until Dec. 30, 1904. Its contract with the owner of the land began on Oct. 29, 1903, and its contract to maintain the sign was made in September, 1903.

The Parkway was established in 1899. The rule or regulation charged to have been broken by maintaining the sign was established on Aug. 20, 1903. The same sign had been in the same location before the establishment of the Parkway, and ever since. The rule or regulation forbids the erection, maintaining or display upon any land, or the outside of any building, of any commercial or business sign, poster or advertisement within such distance of any public park or parkway in care of the Commission as shall render the words, figures or devices of the sign, poster or advertisement plainly visible to the naked eye within the park or parkway, without the written permission of the Commission; save that the rule is not to be construed to prevent the owner or occupant of land, building or tenement from displaying or maintaining thereon one sign or advertisement for business or commercial purposes, in size not larger than fifteen inches by twenty feet, and relating exclusively to the property on which it may be placed, or to the business thereon conducted, or to the person conducting the same.

The statute provides that the Commission and also the officers having charge of public parks and parkways "may make such reasonable rules and regulations respecting the display of signs, posters or advertisements in or near to and visible from public parks and parkways entrusted to their care, as they may deem necessary for preserving the objects for which such parks and parkways are established and maintained." (St. 1903, c. 158, § 1.)

The counsel for the prosecution asserts that public parks and parkways are created and maintained to contribute to the health and pleasure of the community. It has been said that they "are established for the use and enjoyment of the people while seeking pleasure and recreation, as well as at other times." No doubt the principal and controlling object for which public parks and parkways are established is that of

pleasure. They are distinctively and chiefly pleasure grounds. So far as they incidentally serve to promote health by affording the means of being in the open air and the sunlight, or of taking healthful exercise, the presence or absence of signs upon neighboring lands is immaterial.

We think, therefore, that the well-being of the ordinary person who uses a public park or parkway can never be so far affected by the visibility of signs, posters or advertisements placed on other ground as to injure his health. No doubt their presence there may hide from him fine views, or may turn into a disagreeable ensemble what otherwise would be a pleasing outlook, or the sign or poster or advertisement may be itself ugly, or, if not so, may be displeasing because of incongruity. At most the presence of signs, posters and advertisements upon lands or buildings near a public park or parkway is an offence against good taste, and in that way alone detracts from the pleasure only of the frequenters of such places.

We agree that the promotion of the pleasure of the people is a public purpose for which public money may be used and taxes laid, even if the pleasure is secured merely by delighting one of the senses. (*Higginson v. Nahant*, 11 Allen, 530; *Hubbard v. Taunton*, 140 Mass. 467; *Attorney-General v. Williams*, 174 Mass. 476, 479, 480.) The question here is not of the power of the State to expend money or to lay taxes to promote æsthetic ends, or to regulate the use of property with a view to promote such ends. It is of the right of the State by such regulations to deprive the owner of property of a natural use of that property, without giving compensation for the resulting loss to the owner.

Probably no one would care at present to deny that without compensation "The possession and enjoyment of all rights are subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, good order and morals of the community." (*Field, J. in Crowley v. Christiansen*, 137 U. S. 86, 89.) Beyond the purposes named there are many others of a public nature, the promotion of which may involve the taking or damaging of the property of individuals, and as to which there well may be differences of opinion as to whether the State must afford compensation if such loss or damage is inflicted.

One of them is the education of youth. Probably all will agree that, judged by any fair standard, the promotion of education stands upon a higher plane than the promotion of æsthetic culture or enjoyment, and would the better justify the imposition of a burden without compensation.

But no one would contend that the State could authorize the taking of land for a schoolhouse without providing compensation for the owner. In a very recent case this court, in dealing with a statute requiring street railway companies to transport school children at reduced rates of fare, has held that, if it appeared that the enforcement of the act would cause expense which the carrier must bear or put upon other patrons, we should be obliged to hold that there was a taking of property without due process of law. (*Com v. Interstate Cons. St. Ry. Co.*, 187 Mass. 436.) If the police power technically so called will not justify a taking

of property without compensation to promote the education of youth, it cannot justify such a taking for the promotion of merely æsthetic purposes.

Therefore, if the rules of the Commission amount to a taking of property, as no compensation is provided, they cannot be held valid. The plain and intended purpose of the rule is to prohibit the use of land near public parks and parkways for advertising. This has come to be an ordinary and remunerative use of lands near largely travelled streets, parkways, public parks, railroads and other places frequented in numbers by the public. It is as natural a use of such lands as is the use of store fronts and show windows for the display of goods kept for sale, or for other modes of advertising. It resembles the placing of advertising pages on each side of the literary portion of a periodical, or the placing in street cars or railway stations of advertisements disconnected with the business of transportation. All these at present are usual, common and profitable uses of property, of which every one sees daily numerous instances.

In the opinion of a majority of the court, the rules or regulations established by the Commission so interfere with this use of property as to amount to a taking of property for public use; and, as no compensation is provided for, the rules are void, because obnoxious to the provisions of our Constitution. (Declaration of Rights, Art. 10.) They are not reasonable within the meaning of St. 1903, c. 158, § 1.

We do not hold that no valid rules as to signs, posters or advertisements on land near to public parks or parkways can be made under St. 1903, c. 158.

Rules intended to prohibit advertisements of indecent or immoral tendencies, or signs dangerous to the physical safety of the public, no doubt would be reasonable within the meaning of the statute and valid.

We think the case of *City of Rochester v. West*, 164 N. Y. 510, was decided and can rest only on this ground. (See *Gunning System v. Buffalo*, 75 App. Div. 31; *People v. Green*, 85 App. Div. 400.)

Verdict set aside.

Judgment to be entered for the defendant.

